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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,095	11/30/2004	Massimo Bellezza	229618	7664
23460 7590 11/01/2007 LEYDIG VOIT & MAYER, LTD TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON AVENUE CHICAGO, IL 60601-6731			EXAMINER MCCARRY JR, ROBERT J	
			ART UNIT 3617	PAPER NUMBER
			MAIL DATE 11/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/500,095

Applicant(s)

BELLEZZA, MASSIMO

Examiner

Robert J. McCarry, Jr.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-17 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 13 is/are rejected.
- 7) ☒ Claim(s) 4-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinold et al (US 4,946,023) in view of Cellai (US 4,492,168).

Heinold et al discloses a conveyor system comprised of a series of trolleys¹ having rollers 11, or trucks. The trolleys 1 traverse a series of rails 2. Positioned above the rail 2 is a powered belt 26. The powered belt is positioned above a section of the rail 2 providing a powered section or module for the trolley 1. Sections without a powered belt positioned above it are interpreted to be non-powered sections of the system. The belt 26 is further comprised of teeth 21, 22, 23 which engage upstanding pads 10 on the trolley 1. The pads 10 are separated on the trolley 1 so that they are at the front and rear of the trolley 1. When the teeth 21, 22, 23 engage the pads 10 this propels the trolley 1 along the rails 2. With the pads 10 being spaced apart on the trolley 1, as the trolley moves away from the powered belt 26, the pad 10 at the front of the trolley will disconnect from the teeth 21, 22, 23 of the powered belt and begin to move to a non-powered section or connect with another powered belt, while the rear pad of the trolley is still in contact with the powered belt.

Heinold et al discloses the conveyor system described above. However, Heinold et al does not specifically show a stop member associated with the truck, or wheel, 11.

Cellai discloses a cable trolley system comprised of a series of wheels, with one modification of a wheel having an extended flange so as to grip the cable rail and slow and stop the trolley. The extended flange is shown in cross section in figures 2 and 3. Figure 2 shows a cross section of the standard wheel of the device. Figure 3 shows a cross section of a wheel with the extended flanges 27 and an elastic coating 28. It would have been obvious to one of ordinary skill in the art to have applied a flange, like that of Cellai, to a trolley system, like that of Heinold et al in order to allow for better speed control of the trolleys as they move through the rail system.

Heinold et al discloses the conveyor system described above. However, Heinold et al does not disclose any other powered belts positioned along the rail 2 of the conveyor system. While other belts are not shown in the figures, it would have been an obvious multiplication of parts to one of ordinary skill to add additional belts of varying speed to control the movement of the trolleys. With multiple belts of varying speed and length it will control the belts in a safer manner instead of having the trolleys leave on belt only to speed through a non-powered section.

Allowable Subject Matter

Claims 4-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 14 -17 are allowed.

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Response to Arguments

Applicant's arguments filed August 17, 2007 have been fully considered but they are not persuasive. Applicant argues that the prior art of Cellai cannot be combined with the prior art of Heinold et al. Applicant argues that the stop member cited by the Examiner in Cellai is not mounted on the vehicle and instead is mounted "to the cable or elsewhere." The Examiner has relied on figures 2 and 3 and parts 27 and 28 of figure 3 to show the stopping device of the assembly. The stopping device interpreted by the Examiner is the enlarged flanged 27 of figure 3 which is paired with an elastic coating 28. This stop device is mounted on the wheel and not the cable or elsewhere as stated by the applicant. As stated above, it would have been obvious to one of ordinary skill in the art to have applied a stopping device, like that of Cellai, to the multiple wheels of the multiple trucks of an apparatus like that of Heinold to better control and slow the trucks to prevent damage to the trucks themselves or the cargo carried by the trucks.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Eberle (US 6,425,478) discloses a type of belt conveyor and Moge (US 4,542,863) discloses a conveyor utilizing a toothed belt.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. McCarry, Jr. whose telephone number is (571) 272-6683. The examiner can normally be reached on Monday through Friday 7:00am to 3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joseph Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert J. McCarry, Jr.
Examiner
Art Unit 3617

RJM
October 23, 2007



S. JOSEPH MORANO
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